

DEPARTMENT OF TRANSPORTATION

**Research and Special Programs
Administration**

**49 CFR Parts 106, 107, 171, 172, 173,
174, 175 and 178**

**[Docket No. HM-189D, Amdt. Nos. 106-6,
107-15, 171-88, 172-106, 173-197, 174-61,
175-38, and 178-87]**

Editorial Corrections and Clarifications

**AGENCY: Research and Special Programs
Administration (RSPA), DOT.**

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to correct certain editorial errors, and to make minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: September 30, 1986.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: In its maintenance of the HMR, RSPA performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in Title 49, Code of Federal Regulations (CFR), Parts 100 through 199, Revised as of November 1, 1985, include incorrect references to other rules and regulations in the CFR, and misstatements of certain regulatory requirements. Also, in response to inquiries which RSPA received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties.

Since these amendments do not impose new requirements, notice and public procedure thereon are unnecessary. For the same reason, these amendments are effective without the customary 30 day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

The RSPA has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (24 FR 11034). A final regulatory evaluation and environmental assessment was not

prepared as these amendments are not substantive changes to the HMR.

Based on limited information available concerning the size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments:

Appendix A to Part 106. Obsolete language is removed from paragraphs (a) and (b) of the Appendix.

Section 107.105. Obsolete provisions in paragraph (d) are removed.

Appendix A to Subpart B of Part 107. Phone numbers and addresses are updated and two spelling errors are corrected.

Sections 107.303, 107.309, and 107.339. To correct omissions from the final rule issued on November 1, 1985 concerning office and personnel designations, "Office of the Chief Counsel" is added to § 107.303 and 107.339, and is deleted from § 107.309, and "OHMT" is added to § 107.309 and deleted from § 107.339.

Section 171.7. The reference in paragraph (d)(21) to the 1977 edition of the United Nations Recommendations on the Transport of Dangerous Goods is obsolete and is updated to the 1986 edition.

Sections 171.15 and 171.17. The National Response Center phone number is corrected in these two sections.

Section 172.101. The shipping name "Mentetrahydrophthalic anhydride" was removed in Docket HM-166-0, published November 17, 1983. The cross reference "Methyl norbornene dicarboxylic anhydride. See mentetrahydro phthalic anhydride" is no longer of use and is deleted from the § 172.101 Table. Also, the symbols "+" and "E" erroneously appear in Column 1 for the entry "Motor vehicle, etc. . . .". These symbols are deleted.

Section 172.525. The height of letters for the word "RESIDUE" on the RESIDUE placard was changed from 1 and 1/2-inches to 1-inch in Docket HM-180, published on June 25, 1986. The graphic depiction of this placard in paragraph (b) is corrected to show lettering for the word "RESIDUE" properly proportioned to a 1-inch size on a full size placard.

Section 173.262. A misspelling of the word "screw-cap" is corrected.

Section 173.266. The reference in subparagraph (f)(1) to "179.3(e)" is corrected to read "179.3(a)".

Section 173.415. Type B packages were inadvertently omitted from paragraph (c) in the final rule issued in HM-169 on March 10, 1983. This error is corrected.

Section 174.750. The reference, in paragraph (b) to the "Energy Research and Development Administration (ERDA)" is obsolete and is changed to "U.S. Department of Energy (DOE)".

Section 175.20. The reference to FAA regulations is obsolete and is corrected to read "See 14 CFR 121.135, 121.401, 121.433a, 135.323, 135.327 and 135.333."

Sections 178.16-19, 178.45-17 and 178.65-14. The references to "Office of Hazardous Materials Regulation" are corrected to read "Office of Hazardous Materials Transportation."

Section 178.338-3. In formula which appears in paragraph (b) is corrected.

List of Subjects

49 CFR Part 106

Hazardous materials transportation, Rulemaking procedures,

49 CFR Part 107

Hazardous materials transportation, Program procedures,

49 CFR Part 171

Hazardous materials transportation, matter incorporated by reference.

49 CFR Part 172

Hazardous materials transportation, Labeling, packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Rail carriers.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 106 through 178 are amended as follows:

PART 106—RULEMAKING PROCEDURES

1. The authority citation for Part 106 is revised to read as follows:

Authority: Sec. 902(h)(1), Pub. L. 85-726, 72 Stat. 784 (49 U.S.C. 1472(h)(1)); sec. 3, Pub. L. 90-481, 82 Stat. 720 (49 U.S.C. 1672); secs. 104, 105, 109, Pub. L. 93-633, 88 Stat. 2157 (49 U.S.C. app. 1803, 1804, 1808); sec. 21(a), Pub. L. 89-670 (49 U.S.C. 1653, 1657(e)); sec. 203, Pub. L. 96-126, 93 Stat. 1004 (49 U.S.C. 2002).

Appendix A—[Amended]

2. In Appendix A to Part 106:

a. The phrase "other than those

concerning compliance, enforcement, and preemption matters," is removed from paragraph (a).

b. The phrase "other than those concerning compliance and enforcement matters," is removed from paragraph (b).

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

3. The authority citation for Part 107 is revised to read as follows:

Authority: 49 U.S.C. 1802, 1803, 1804, 1806, 1808-1811; Pub. L. 89-670 (49 U.S.C. 1653(d), 1655, 1657(e)).

§ 107.105 [Amended]

4. In § 107.105, paragraph (d) is removed.

Appendix A to Subpart B—List of Department of Transportation Officials Through Whom Application or Exemptions Seeking Priority Treatment on the Basis of Existing Emergencies May Be Initiated by Telephone

5. In Appendix A to Subpart B of Part 107, the following changes are made.

a. In the title to the appendix, the word "INITIALED" is changed to "INITIATED".

b. In the title to the second paragraph, the word "OPERATORS" is changed to "OPERATORS".

c. In the second paragraph of the appendix the telephone number "202-426-3333" is changed to "202-863-5100".

6. In Appendix A to Subpart B of Part 107, the paragraphs captioned "MOTOR CARRIERS", "RAIL CARRIERS", and "WATER CARRIERS" are revised to read as follows:

Motor Carriers

Chief, National Standards Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, DC 20590, Day 202-366-2989 and Night 202-267-2100.

Rail Carriers

Associate Administrator for Safety, Federal Railroad Administration, Department of Transportation, Washington, DC 20590, Day 202-366-9178 or 366-0488 and Night 202-267-2100.

Water Carriers

Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, United States Coast Guard, Washington, DC 20593, Day 202-267-1577 and Night 202-267-2100.

§ 107.303 [Amended]

7. In § 107.303, the phrase "and the Office of Chief Counsel" is added after the term "OHMT".

8. In paragraph (a) and (b)(1) of § 107.309, "Office of Chief Counsel" is changed to "OHMT" at each occurrence.

107.339 [Amended]

9. In § 107.339, "OHMT" is changed to "Office of the Chief Counsel".

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

10. The authority citation for Part 171 continues to read as follows:

Authority: 49 U.S.C. 1802, 1803, 1804, 1806; 49 CFR Part 1, unless otherwise noted.

11. § 171.7, paragraph (d)(21) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d) * * *

(21) United Nations Recommendations (UN Recommendations) is titled "Recommendations on the Transport of Dangerous Goods", Fourth revised edition (1986).

§ 171.15 [Amended]

12. In paragraph (b) of § 171.15, the toll call number for the Department is changed from "202-426-2675" to "202-267-2675".

§ 171.17 [Amended]

13. In paragraph (a) of § 171.17, the toll call number is changed from "202-426-2675" to "202-267-2675".

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

14. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

§ 172.101 [Amended]

15. In the § 172.101 Hazardous Materials Table:

a. The entry "Methyl norbornene dicarboxylic anhydride. See Memtetrahydro phthalic anhydride" is removed.

b. For the entry "Motor vehicle etc. . . . the symbols "+E" are removed from column 1.

16. In § 172.525, the graphic depiction of the RESIDUE placard is revised to appear as follows:

§ 172.525 Standard requirements for the RESIDUE placard.

(b) * * *



PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

16. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

§ 173.262 [Amended]

17. In paragraph (b)(3) of § 173.262, the word "screw-up" is corrected to read "screw-cap".

§ 173.266 [Amended]

18. In paragraph (f)(1) of § 173.266, the reference "179.3(e)" is corrected to read "179.3(a)".

19. In § 173.415, paragraph (c) is revised to read as follows:

§ 173.415 Authorized Type A packages.

(c) Any Type B, B(U) or B(M) packaging pursuant to § 173.416.

PART 174—CARRIAGE BY RAIL

20. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

§ 174.750 [Amended]

21. In paragraph (b) of § 174.750, the agency "Energy Research and Development Administration (ERDA)" is changed to "U.S. Department of Energy (DOE)".

PART 175—CARRIAGE BY AIRCRAFT

22. The authority citation for Part 175 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

23. In § 175.20, the last sentence is revised to read as follows:

§ 175.20 Compliance.

* * * (See 14 CFR 121.135, 121.401, 121.433a, 135.323, 135.327 and 135.333.)

PART 178—SHIPPING CONTAINER SPECIFICATIONS

24. The authority citation for Part 178 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR Part 1, unless otherwise noted.

§ 178.16-19 [Amended]

25. In paragraph (c)(2) of § 178.16-19, the word "Operation" is changed to "Transportation".

§ 178.45-17 [Amended]

26. In paragraph (e) of § 178.45-17, the word "Transportation" is added after the word "Materials".

§ 178.65-14 [Amended]

27. In paragraph (d) of § 178.65-14, the word "Regulation" is changed to "Transportation".

§ 178.338-3 [Amended]

28. In paragraph (b) of § 178.338-3 following the introductory text, the formula changes from "S=(T/2)+((T^2/4)+S_s, 20.5" to "S=(T/2)+((T^2/4)+S_s)^0.5".

Issued in Washington, D.C., on September 26, 1986, under the authority delegated in 49 CFR Part 1, Appendix A.

M. Cynthia Douglass, Administrator, Research and Special Programs Administration.

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